

VZCZCXRO5292

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ZNR UUUUU ZZH
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FM AMEMBASSY MADRID
TO RUEHC/SECSTATE WASHDC PRIORITY 9116
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE PRIORITY
RUEHAS/AMEMBASSY ALGIERS PRIORITY 3881
RUEHAK/AMEMBASSY ANKARA PRIORITY 0227
RUEHGB/AMEMBASSY BAGHDAD PRIORITY 0070
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RUEHRB/AMEMBASSY RABAT PRIORITY 5937
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E.O. 12958: N/A

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SUBJECT: MADRID TRAIN BOMBING INVESTIGATION NEARING
COMPLETION

¶1. Examining Judge Juan del Olmo is nearing the close of his 23-month investigation of the March 11, 2004 Madrid train bombings, as the second anniversary of the attacks approaches. He recently issued orders to extend the pre-trial detention of nine key suspects being held in connection with the attacks and is expected to issue a formal indictment against 30-40 suspects in late March or early April.

//PRESSURE TO WRAP UP THE CASE//

¶2. On the eve of the second anniversary of the Madrid terrorist attacks that killed 191 people, Judge del Olmo has come under intense pressure to conclude his investigation and advance to the next phase in the case: presentation of charges to the trial court. By any measure, this has been a massive investigation, involving 116 potential defendants, 96 defense attorneys, 23 prosecutors, 80,000 pieces of evidence, 200 DNA tests, 40 protected witnesses, and legal assistance requests to the U.S., Italy, France, Algeria, Morocco, the UK, Belgium, Serbia, and Libya. Even with the volume of evidence, the suicide of seven key plotters and the inability to identify and capture five other suspects has prevented a full understanding of how the attacks were organized and by whom. Nevertheless, Spanish legal officials fear that waiting much longer for the investigation to settle these issues will make it difficult to conclude the trial in time to prevent the defendants from gaining release on technical grounds. (NOTE: The maximum period of pre-trial detention is four years and defendants are entitled to be released after completing half of their sentences if their convictions have not been confirmed by the Supreme Court. This is precisely what has happened in the case of several al-Qaida members convicted in September 2005. END NOTE).

¶3. Pre-trial secrecy rules continue to apply, but central elements of del Olmo's case were made clear in his instruction to continue holding key suspects in preventive detention as well as in leaks to the media regarding del Olmo's investigation. For example:

-- The nine subjects being held in extended pre-trial detention are: Jamal Zougam, Emilio Suarez Trashorras (Spanish national who provided the explosives), Basel Ghalyoun, Rafa Zouhier, Rachid Aglif, Otman el Gnaoui, Hamid Ahmidan, Fouad el Morabit, and Abdelilah el Fadoul el Akil. These are the central actors in the bombing plot who are currently under detention.

-- In the extended detention order, Judge del Olmo identifies the Madrid train bombers as part of a network of extremists with a presence in France, Belgium, Italy, Morocco, and Iraq.

The indictment is expected to point to the seven extremists who blew themselves up in the Madrid suburb of Leganes on April 3, 2004 (killing a police officer) as the central actors in the plot, along with five as yet unidentified conspirators and Moroccan Islamic Combat Group (GICM) figures Youssef Belhadj and Hassan el Haski. El Haski was imprisoned in Spain pending trial after being captured in the Canary Islands in late 2004.

-- Del Olmo will describes the bomb plotters as a Salafist organization "connected to terrorist organizations such as the GICM to facilitate the movement and cover, and to provide protection to presumed members of terrorist groups, providing the necessary cover through the supply of false documentation and funds to flee Spanish territory...as occurred with several suspects who fled to France and Belgium before disappearing."

Del Olmo, working with Belgian judge Daniel Fransen, identified Belgium as the base of a terrorist network dedicated to funneling Moroccan recruits to terrorist training camps and returning them to Europe, including to Spain. His report will reportedly assert that Youssef Belhadj (AKA Abu Dojanah al Afghani) was the person who claimed the March 11 attacks as the "spokesman of al-Qaida in Europe" and that Belhadj was connected to the terrorist attacks in Casablanca and the murder of Dutch filmmaker Theo van Gogh.

-- Citing Belgian Judge Fransen, the Spanish daily "El Pais" indicates that GICM El Haski's movements have been traced to Spain, Belgium, France and Morocco and a prisoner in France, Attila Turk, reportedly identified him as the key external

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organizer of the Madrid train attacks. However, as earlier reports indicated, most of the planning and organization of the attacks took place within Spain. El Haski was reportedly vying for control of the GICM at the time that the Madrid attacks were being planned

-- According to press reporting, fingerprint data will provide the most important evidence of who was involved in the plot and how it was organized. The most important source of fingerprint and DNA data was the Madrid apartment in which suspects Allekema Lamari, Jamal Ahmidan, Rachid Oula Akcha, Serhane Ben Abdelmajid, Rifaat Anour Asrih, Mohamed Oulad Akcha, and Abdennabi Kounja detonated explosives to avoid capture by Spanish police. Unfortunately, the single unexploded device retrieved from the wreckage of the trains did not provide any usable fingerprint data, but did provide the GSM card that led to Jamal Zougam, one of the key surviving suspects.

14. Judge del Olmo is believed to have collected sufficient evidence to file terrorism charges against approximately one-third of the 116 defendants named in the case. There are 25 individuals jailed in connection with the case (including Rabei Osman el Sayed, being held in Italy but made available to del Olmo) while an additional 42 subjects were released on bail and are required to report periodically to local authorities. There are a total of eight pending arrest warrants for suspects who have not been identified or captured. It is uncertain when the trial itself will commence, but early indications are that it will initiate near the end of 2006.

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